

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|--------------------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. 12-0238-KD-B |
| |) | |
| v. |) | |
| |) | |
| 0.13 ACRES OF LAND, MORE OR |) | |
| LESS, LOCATED IN EVERGREEN, |) | |
| CONECUH COUNTY, STATE OF |) | |
| ALABAMA; CHARLES M. WARD, JR, |) | |
| ABBY WARD, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER FOR REVESTMENT

This action is before the Court on the Stipulation for Revestment filed by Plaintiff United States of America and defendants Charles M. Ward Jr. and Abby Ward (doc. 28). The Court being fully advised in the premises,

FINDS that on April 6, 2012, Plaintiff, United States of America, commenced the above-entitled action for the purpose of acquiring by eminent domain certain estates in land as more particularly described in the Complaint and Declaration of Taking filed herein and that this Court has jurisdiction of the parties and the subject matter;

That by reason of the filing of such Declaration of Taking and the depositing of \$483.00 as the United States' estimated just compensation for the taking thereof, title to such land, to the extent of the estate described in the Declaration of Taking, vested in the United States of America on April 18, 2012;

That, it has been determined by the parties, to be necessary to revest to the former owners certain rights, title and interest in oil, gas and other minerals in and under the property acquired

below the depth of one thousand feet (1000') from the surface, with a proviso that the surface of the property taken may not be used or disturbed for any purpose in connection with the minerals and that all explorations and extractions for such oil, gas and other minerals may only be undertaken using directional drilling methods to avoid drilling from the surface of the property taken hereinafter. Such vested rights, title, and interest are referred to as "Revested Interests";

That, Defendants Charles M. Ward, Jr. and Abby Ward, and Plaintiff, the United States of America, have stipulated to the revestment by the United States of the Revested Interests;

That it has been determined by the United States of America that the estates taken in said Revested Interests are no longer necessary for the public purposes stated in the aforesaid Declaration of Taking; and

That Defendants Charles M. Ward Jr. and Abby Ward, have consented to the revestment, *nunc pro tunc*, to the original date of taking, by the United States of America of the Revested Interests acquired in the Complaint in Condemnation and the Declaration of Taking and said Revested Interests shall be vested in Defendants Charles M. Ward Jr. and Abby Ward, to the extent held by them immediately prior to the taking.

The Court further FINDS that the parties have stipulated that the Court shall enter an Order in accordance with the terms and conditions set forth herein and that the parties have consented to the entry of any and all orders and judgment necessary to effectuate their Stipulation.

ACCORDINGLY, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That all right, title and interest of the stipulating Defendants Charles M. Ward, Jr. and Abby Ward, in and to any and all of said Revested Interests described above and included in the lands described in the Complaint In Condemnation and the Declaration of Taking heretofore

filed in this proceeding are hereby revested *nunc pro tunc*, to the original date of taking, in Defendants Charles M. Ward Jr. and Abby Ward, to the extent held by them immediately prior to the taking.

2. That Defendants Charles M. Ward Jr. and Abby Ward, in consideration of the foregoing, waive any and all compensation for the taking of the Revested Interests and for the United States' use of that portion and/or interest in the land, title to which is revested by this stipulation, including all damages, attorney's fees and costs arising from the taking of the Revested Interests.

Done this September 5, 2013.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE